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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,829	11/03/2003	Kenneth E. Feurman	07844-612001	6257
21876	7590	05/22/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/700,829	Applicant(s) FEUERMAN, KENNETH E.	
	Examiner Gautam Sain	Art Unit 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 13-21, 36-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 22-35, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

- 1) This is a Non Final rejection in response to election filed on 4/19/2006.
- 2) Claims 1-12, 22-35, 45 and 46 are pending, as elected by Applicant.
- 3) Effective filing date 11/3/03.

***Election/Restrictions***

- 4) Claims 13-21 and 36-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/19/2006.

***Claim Rejections - 35 USC § 103***

- 5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5-1) **Claims 1-4, 7, 9-12, 22, 24-27, 30, 32-35 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US 5060980, issued Oct 29, 1991).**

**Regarding independent claims 1 and 24,** Johnson teaches *defining structural information about data fields; encoding the zoning and structural information according to a symbology defined by rules for encoding information in a presentation medium; and incorporating the encoded zoning and structural information in a representation of the form to the presented.* For example, Johnson discloses Form utilizing encoded

indications for form field processing (Title), where a region and structural information is encoded on the form itself, containing a complete description of location of the fields on the form which enable placement of the fields on the form (col 6, lines 53-62) where the form is given a bar code (col 2, line 27; fig 1, item 26 shows an encoded portion).

Johnson does not expressly teach *defining zoning information identifying a location of the data fields of the form*, but does suggest it because Johnson discloses encoded information containing region description of the location of the fields on the form (col 6, lines 53-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Johnson's teaching of encoding region description on a form as equivalent to the claim limitation of zoning, providing the benefit of a novel form for creating a form carrying an encoded description of itself (Johnson, para 4, lines 9-13).

**Regarding independent claims 12, 22, 35 and 45**, Johnson teaches *encoding the zoning and structural information according to a symbology defined by rules for encoding information in a presentation medium; and incorporating the encoded zoning and structural information in a representation of the form to the presented*. For example, Johnson discloses Form utilizing encoded indications for form field processing (Title), where a region and structural information is encoded on the form itself, containing a complete description of location of the fields on the form which enable placement of the fields on the form (col 6, lines 53-62) where the form is given a bar code (col 2, line 27; fig 1, item 26 shows an encoded portion).

Johnson teaches wherein data entered on the form by a user can be extracted from the representation based on the encoded and structural information without access to a source of zoning or structural information external to the form. For example, Johnson discloses encoding the data from the form along with the encoded description, which is later decoded by a form interpreter for processing of data contained on a form (col 11, lines 38-48). Additionally, a form interpreter works with coded forms to read from the form instructions on extraction and handing of the data the form carries (col 3, lines 48-51).

Johnson does not expressly teach *defining zoning information identifying a location of the data fields of the form*, but does suggest it because Johnson discloses encoded information containing region description of the location of the field on the form (col 6, lines 53-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Johnson's teaching of encoding region description on a form as equivalent to the claim limitation of zoning, providing the benefit of a novel form for creating a form carrying an encoded description of itself (Johnson, para 4, lines 9-13).

**Regarding claims 2 and 25**, Johnson teaches a visual medium that includes encoding the zoning and structural information in a graphical symbol. For example, Johnson discloses Fig 1, item 26 shows a symbol that contains the encoded information which represents the structural description of the form (col 6, lines 53-60).

**Regarding claims 3 and 26**, Johnson teaches wherein the graphical symbol is a two-dimensional symbol. For example, Johnson discloses Fig 1, item 26 shows a symbol

that contains the encoded information which represents the structural description of the form (col 6, lines 53-60). The examiner interprets item 26 as two dimensional because it has a length and width of the symbol.

**Regarding claims 4 and 27**, Johnson teaches wherein the two-dimensional symbol is a two-dimensional barcode. For example, Johnson discloses Fig 1, item 26 shows a symbol that contains the encoded information which represents the structural description of the form (col 6, lines 53-60), where the two dimensional encoding on a form can be given a barcode, when interpreted by the forms interpreter section of the system (col 2, lines 26-28).

**Regarding claims 7 and 30**, Johnson teaches zoning information two-dimensional coordinates specifying a location of each of the data fields and corresponding measurements in two dimensions of each of the fields. Johnson discloses user modifiable fields and encoded description of the location and size of the fields which includes information to locate the fields on a form (Johnson, see Abstract section).

**Regarding claims 9 and 32**, Johnson teaches including a name for each of the data fields. For example, Johnson shows on Fig 1, a plurality of data fields on the form and each one of them has a name (ie., the Part Number data fields are identified by the name "Part Number").

**Regarding claims 10 and 33**, Johnson teaches structural information includes a description of user data expected to be filled in each of the data fields. For example, Johnson discloses a form is created with information about the fields to be carried by

the form, which includes type of fields and a coded description in the form's data structure that prints the coded information on the form itself (col 3, lines 34-45).

**Regarding claims 11 and 34**, Johnson teaches wherein data entered on the form by a user can be extracted from the representation based on the encoded and structural information without access to a source of zoning or structural information external to the form. For example, Johnson discloses encoding the data from the form along with the encoded description, which is later decoded by a form interpreter for processing of data contained on a form (col 11, lines 38-48). Additionally, a form interpreter works with coded forms to read from the form instructions on extraction and handing of the data the form carries (col 3, lines 48-51).

**5-2) Claims 5, 6, 8, 23, 28, 29, 31 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (as cited above), in view of Balabanovic (US 66224826, issued Sep 23, 2003).**

**Regarding claims 5 and 28**, Johnson does not expressly teach encoding the zoning and structural information in an audio signal, but Balabanovic does suggest it. For example, Balabanovic discloses a method for generating a visual representation for audio documents (Title) with an audio input stream that receives positional stimulus indicating location upon the display device according to the narration provided on the document (col 1, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson to include an audio input stream that receives positional information indication location upon the display device as taught by Balabanovic,

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providing the benefit of creating a simple and effective multimedia authoring tool that allows communication through various mechanisms including oral and written media to create documents (Balabanovic, col 1, lines 15-16; lines 36-39).

**Regarding claims 6 and 29**, Johnson does not expressly teach encoding the zoning and structural information that includes XML representation according to the symbology, but Balabanovic does suggest it. For example, Balabanovic discloses a method for generating a visual representation for audio documents (Title), where the location on a document may be represented according to it's coordinates in a XML documents (col 7, lines 22-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson to include the location on a document that may be represented according to it's coordinates in a XML documents as taught by Balabanovic, providing the benefit of creating a simple and effective multimedia authoring tool that allows communication through various mechanisms including oral and written media to create documents (Balabanovic, col 1, lines 15-16; lines 36-39).

**Regarding claims 8 and 31**, Johnson does not expressly teach audio medium and zoning information including a temporal location and temporal dimensions of each data field in an audio recording, but Balabanovic does suggest it. For example, Balabanovic discloses a method for generating a visual representation for audio documents (Title) with an audio input stream that receives positional stimulus indicating location upon the display device according to the narration provided on the document (col 1, lines 42-48), where during the narration, the positional stimulus is an input that simultaneously



indicates an electronic location on the display screen with an instant time tracked (col 5, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson to include an audio input stream that receives positional information indication location upon the display device, where the audio narrative simultaneously includes indication of an electronic location on the display screen with an instant time tracked as taught by Balabanovic, providing the benefit of creating a simple and effective multimedia authoring tool that allows communication through various mechanisms including oral and written media to create documents (Balabanovic, col 1, lines 15-16; lines 36-39).

**Regarding independent claims 23 and 46**, Johnson teaches *encoding the zoning and structural information according to a symbology defined by rules for encoding information in a presentation medium; and incorporating the encoded zoning and structural information in a representation of the form to the presented*. For example, Johnson discloses Form utilizing encoded indications for form field processing (Title), where a region and structural information is encoded on the form itself, containing a complete description of location of the fields on the form which enable placement of the fields on the form (col 6, lines 53-62) where the form is given a bar code (col 2, line 27; fig 1, item 26 shows an encoded portion).

Johnson teaches wherein data entered on the form by a user can be extracted from the representation based on the encoded and structural information without access to a source of zoning or structural information external to the form. For example,

Johnson discloses encoding the data from the form along with the encoded description, which is later decoded by a form interpreter for processing of data contained on a form (col 11, lines 38-48). Additionally, a form interpreter works with coded forms to read from the form instructions on extraction and handing of the data the form carries (col 3, lines 48-51).

Johnson does not expressly teach *defining zoning information identifying a location of the data fields of the form*, but does suggest it because Johnson discloses encoded information containing region description of the location of the filed on the form (col 6, lines 53-60).

Johnson does not expressly teach *encoding the XML representation of the zoning and structural information according to a two-dimensional symbology defined by rules for encoding information in a visual medium in which the form will be presented*, but Balabanovic does suggest it. For example, Balabanovic discloses a method for generating a visual representation for audio documents (Title), where the location on a document may be represented according to it's coordinates in a XML documents (col 7, lines 22-31), where positional stimuli are places in the document that are detected by control units on the display device (col 5, lines 30-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Johnson's teaching of encoding region description on a form as equivalent to the claim limitation of zoning, providing the benefit of a novel form for creating a form carrying an encoded description of itself (Johnson, para 4, lines 9-13).


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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